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Security Council

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Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 20 March 2009 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

In paragraph 25 of its resolution 1844 (2008), the Security Council decided that all Member States shall report to the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia within 120 days of the date of adoption of the resolution on the steps they have taken with a view to implementing effectively paragraphs 1 to 7 of resolution 1844 (2008).

Canada wishes to inform the Committee that it is effectively implementing all measures mandated by resolution 1844 (2008) through the application of the Regulations Implementing the United Nations Resolutions on Somalia (SOR/2009-92) (the "Somalia Regulations"), as well as the Immigration and Refugee Protection Act and the Export and Import Permits Act.

Canada's report of 19 March 2009 on the implementation of paragraphs 1 to 7 of resolution 1844 (2008) is attached herewith (see annex).

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Annex to the note verbale dated 20 March 2009 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

Report of Canada on the implementation of measures decided by Security Council resolution 1844 (2008)

In paragraph 25 of its resolution 1844 (2008), the Security Council calls upon all Member States to report to the Committee within 120 days of the date of adoption of the resolution, on the steps they have taken with a view to implementing effectively paragraphs 1 to 7 of the resolution.

Canada wishes to inform the Committee that it is effectively implementing all measures mandated by resolution 1844 (2008) through the application of the Regulations Implementing the United Nations Resolutions on Somalia (SOR/2009-92) (the "Somalia Regulations"), as well as the Immigration and Refugee Protection Act and the Export and Import Permits Act as follows:

Paragraph 1 of Security Council resolution 1844 (2008)

"*The Security Council*,

"1. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory".

Section 35 of the Immigration and Refugee Protection Act enables Canada to prevent the entry into or transit through its territory of the individuals designated by the Committee pursuant to the provisions of paragraph 8 of resolution 1844 (2008). The Immigration and Refugee Protection Act also allows for the exceptions and exemptions to the travel ban in accordance with paragraph 2 of resolution 1844 (2008).

Paragraph 3 of Security Council resolution 1844 (2008)

"*The Security Council*,

"3. *Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities".

The provisions of paragraph 3 of resolution 1844 (2008) are implemented in Canada pursuant to Section 5 of the Somalia Regulations which prohibits all persons in Canada and all Canadians outside Canada from:

(a) Dealing directly or indirectly in any property in Canada as at 20 November 2008 or at any time after that date, that is owned or controlled by a person or entity designated by the Security Council Committee pursuant to the provisions of paragraph 3 or 8 of resolution 1844 (2008);

(b) Entering into or facilitating financial transaction related to dealings referred to in paragraph (a) above;

(c) Providing financial or related services in respect of the property referred to in paragraph (a) above;

(d) Making any property or any financial or other related service available, to or for the benefit of a person or entity designated by the Security Council Committee pursuant to paragraph 3 or 8 of resolution 1844 (2008); or

(e) Doing anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by paragraphs (a) to (d).

The definition of "designated person" in the Somalia Regulations is dynamic and captures all individuals or entities designated by the Security Council Committee pursuant to paragraphs 3 and 8 of resolution 1844 (2008).

In accordance with paragraphs 4 (a), (b) and (c) of resolution 1844 (2008), Sections 16 (1) and (2) of the Somalia Regulations also allow for exemptions to the assets freeze.

Paragraph 6 of Security Council resolution 1844 (2008)

"*The Security Council*,

"6. *Reaffirms* the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007)".

Pursuant to Section 3 (a) of the Somalia Regulations, all persons and entities in Canada are prohibited from exporting, selling, supplying, transferring or shipping, directly or indirectly, to any person or entity in Somalia any arms or related material. Furthermore, Section 3 (b) of the Somalia Regulations prohibits all persons or entities in Canada from providing or transferring, directly or indirectly, technical, financial or other assistance related to military activities to any person or entity in Somalia.

In addition, pursuant to Section 6 of the Somalia Regulations, all persons in Canada are prohibited from doing anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by Section 3.

Moreover, the Export and Import Permits Act requires a permit for the export from Canada of all goods listed on the Export Control List. All military and strategic dual-use goods, as defined by the appropriate international export control regimes, are listed on the Export Control List, and therefore require a permit.

Sections 10 to 14 of the Somalia Regulations allow for exemptions to the arms embargo as set out in paragraphs 2 and 3 of resolution 1356 (2001), paragraph 5 of resolution 1725 (2006), paragraphs 6 (a), 6 (b) and 7 of resolution 1744 (2007), and paragraphs 11 (a), 11 (b) and 12 of resolution 1772 (2007).

Paragraph 7 of Security Council resolution 1844 (2008)

"*The Security Council*,

"7. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below".

Pursuant to Section 4 of the Somalia Regulations, all Canadians and all persons and entities in Canada are prohibited from exporting, selling, supplying, transferring or shipping any arms or related material and from providing or transferring technical, financial or other assistance, including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of arms and related material, directly or indirectly, to a person or entity designated by the Committee pursuant to paragraph 8 of resolution 1844 (2008).